

REMARKS

Applicant thanks the Examiner for his efforts and time spent in connection with the Interview on September 27, 2007 at the Patent Office between the Examiner and Applicant.

During that interview, the Examiner suggested that certain claims might be allowable if amended in various ways. While Applicant appreciates that indication and may elect to pursue that approach in the future (within this application and/or a continuation or divisional, etc.), Applicant recently has become aware of a patent (Dart '876) that, although filed AFTER Applicant's application, has already issued. Indeed, it issued in 2003 - nearly five years ago. Applicant's review of that patent indicates that an Interference should be declared and, based on Applicant's current understanding of their respective priority dates, Applicant should be awarded the claims from that Dart '876 patent. Accordingly, as the Patent Office already has indicated that the Dart '876 claims are allowable, the only remaining issue regarding those claims appears to be whether they should instead have been awarded to Applicant – the appropriate procedure for making that determination appears to be declaring an Interference.

Accordingly, Applicant is presenting herewith materials that Applicant respectfully submits are sufficient to meet Applicant's burden in connection with suggesting that an Interference be declared. If the Patent Office determines that those materials are insufficient in any regard, Applicant respectfully requests that the Patent Office provide notice to Applicant of any such deficiency and an opportunity to supplement Applicant's filings accordingly.

Prior to the present filing, Claims 49-74 and 79-90 were pending in this application. Based on the foregoing, Applicant is canceling those claims and adding new Claims 94-103.

Applicant expressly reserves the right to refile those and/or other claims and to respond to any relevant rejections of same that may be of record in the most recent Office Action.

Thus, following the entry of this Amendment, the pending claims will be Claims 94-103 that, as indicated above, already have been allowed by the Patent Office within the Dart '876 patent.

As indicated above, Applicant understands that Claims 94-103 already have been determined by the Patent Office to be patentable, and therefore Applicant looks forward to receiving a notice declaring the above-suggested Interference, and eventual issuance of those claims to Applicant.